

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERRILL LYNCH BUSINESS FINANCIAL
SERVICES INC.,

Plaintiff,

-against-

D.M.S. DIAMOND CO., INC., MARC STEINBERG, and
"JOHN DOE #1" THROUGH "JOHN DOE #12", the last
twelve names being fictitious and unknown to plaintiff,
being persons having or claiming an interest in or lien
upon the Collateral described in the complaint,

Defendants.
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07 CV 7048 (LAP)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of William Sardgena, sworn to November 12, 2007, its annexed exhibits, the statement of material facts, the memorandum of law and all prior pleadings, plaintiff Merrill Lynch Business Financial Services Inc. will move this honorable Court, at the U.S. Courthouse, located at 500 Pearl Street, New York, NY 10007, at a time and date to be set by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting plaintiff summary judgment on its claims against defendants D.M.S. Diamond Co., Inc. and Marc Steinberg, for judgment, jointly and severally, in the amount of \$311,313.13, plus additional accrued interest and attorneys' fees, and such other and further relief as the Court may deem just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that all answering papers shall be served on the undersigned 14 days from this date.

Dated: New York, New York
November 12, 2007

SPENCER L. SCHNEIDER (SS-2471)

A handwritten signature in black ink, appearing to read 'Spencer L. Schneider', is written over a horizontal line.

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